



33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
www.pima.gov/deq

Ursula Kramer Nelson, P.E.
Director

(520) 724-7400
FAX (520) 838-7432

February 16, 2021

Tucson Iron & Metal
Attn: Gary Kippur, President
PO Box 28898
Tucson, AZ 85726-8898

CERTIFIED MAIL
Return Receipt Requested

NOTICE OF VIOLATION # 127-0021R

The Pima County Department of Environmental Quality (PDEQ) has reason to believe Tucson Iron and Metal, a division of Kippur Corporation, has violated requirements of Title 40 of the Code of Federal Regulations, PDEQ Air Quality Permit #127, and Title 17 of the Pima County Code (PCC).

I. ALLEGED VIOLATIONS – APPEALABLE AGENCY ACTIONS

FINDINGS OF FACT

Alleged Violation #1

Per PCC 17.12.040.A.2 and 40 CFR 60.2915, Section 3.51.b, and Section 3.51.e respectively (Emission Limitations, Standards and Operating Limits) of Pima County Department of Environmental Quality Air Quality Permit # 127;

40 CFR 60.2915

You must meet the emission limitations specified in table 1 of this subpart 60 days after your OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

Section 3.51.b

The Permittee shall operate and maintain the OSWI in accordance with the approved operation and maintenance plan in Attachment 4 of this permit.

Section 3.51.e

The Permittee must meet the emission limitations specified in Table 1, as stated below, 60 days after the OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial startup.

Findings

Tucson Iron and Metal notified PDEQ of an excess emission that occurred from the Other Solid Waste Incinerator (OSWI) unit at the facility located at 4484 E. Tennessee Street, Tucson, Arizona, on January 12, 2021. The facility provided supporting records following a records request on January 28, 2021. The records included CEMS Carbon Monoxide (CO) data for the incineration event on January 12, 2021. The average CO @ 7% O₂ for the incineration event was 497.2 PPM. The CO @7% O₂ on January 12, 2021 ranged from 328.4 PPM at 12:20PM to 212 PPM at 06:10PM with the highest CO values of 957.3 PPM for one hour between 1:10PM to 2:00PM. The emission limitation under NSPS Subpart EEEE for CO is 40 PPM at 7% O₂. TI&M failed to meet the CO emission limitation the entire incineration event on January 12, 2021, totaling 6 operational hours.

Requested Corrective Actions

Provide a written quality assurance plan to ensure that the air quality permit #127 and the operation and maintenance plan are followed at all times, in addition to ensuring the operation of the OSWI meets emission limitations at all times except during startup, shutdown, and malfunction. Lastly, the quality assurance plan will also ensure there is oversight to the training and operation of the certified operators.

Alleged Violation #2

Per Pima County Code 17.12.170 and General Conditions 11.a of Pima County Department of Environmental Quality Air Quality Permit # 127;

Pima County Code 17.12.170 and General Conditions 11.a

A. The owner or operator of any source shall report to the control officer any emissions in excess of the limits established by this chapter or the applicable permit. The report shall be in two parts as specified below:

- 1. Notification by telephone or facsimile within twenty-four hours of the time the owner or operator first learned of the occurrence of excess emissions that includes all available information from subsection B.*
- 2. Detailed written notification by submission of an excess emissions report within seventy-two hours of the notification under subsection (A)(1).*

B. The excess emissions report shall contain the following information:

- 1. The identity of each stack or other emission point where the excess emissions occurred;*
- 2. The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;*
- 3. The time and duration or expected duration of the excess emissions;*
- 4. The identity of the equipment from which the excess emissions emanated;*
- 5. The nature and cause of the emissions;*
- 6. The steps taken, if the excess emissions were the result of a malfunction, to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions;*
- 7. The steps that were or are being taken to limit the excess emissions; and*

8. If the source's permit contains procedures governing source operation during periods of startup or malfunction and the excess emissions resulted from startup or malfunction, a list of the steps taken to comply with the permit procedures.

C. In the case of continuous or recurring excess emissions, the notification requirements of this section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in the notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period or changes in the nature of the emissions as originally reported shall require additional notification pursuant to subsections A and B.

Findings

Tucson Iron and Metal notified PDEQ of an excess emission that occurred from the Other Solid Waste Incinerator (OSWI) unit at the facility located at 4484 E. Tennessee Street, Tucson, Arizona, on January 12, 2021. The facility provided supporting records following a records request on January 28, 2021. The records included CEMS Carbon Monoxide (CO) data for the incineration event on January 12, 2021. The average CO @ 7% O₂ for the entire incineration event was 497.2 PPM. The CO @ 7% O₂ on January 12, 2021 ranged from 328.4 PPM at 12:20PM to 212.4 PPM at 06:10PM with the highest CO values of 957.3 PPM for one hour between 1:10PM to 2:00PM. The emission limitation under NSPS Subpart EEEE for CO is 40 PPM at 7% O₂. TI&M failed to meet the CO emission limitation the entire incineration event on January 12, 2021, totaling 6 operational hours. Tucson Iron and Metal failed to report the excess emission to Pima County Department of Environmental Quality. Excess emissions must be reported to PDEQ within 24 hours of the excess emission via phone or email and a detailed report must be submitted to PDEQ within 72 hours of the notification.

Requested Corrective Actions

Provide a detailed written report and corrective actions to correct the excess emission and prevent it from occurring in the future. The report shall contain the location of the emission point; the magnitude of the emission; the date, time, and duration of excess emission; identify the equipment the emission emanated from; the nature and cause of the emissions, and the steps that were taken or are being taken to limit the excess emissions. In addition, review previous incineration events leading up and after the January 12, 2021 incineration event for other CO excess emission events during normal operation of the OSWI, and report those events according to the reporting requirements in air quality permit #127.

II. CITATION OF AUTHORITY

Arizona Revised Statutes § 49-513

Pima County Code § 17.28.070

III. REQUESTED COMPLIANCE DOCUMENTATION

Tucson Iron & Metal shall submit a written response to PDEQ within **seven (7)** calendar days of receipt of this notice. The response shall include:

- A thorough explanation of those actions that led to the violation
- Planned corrective actions and timeframe to be taken to meet compliance
- Proposed corrective actions to prevent future violations

The above documentation shall be deemed "submitted" when received by PDEQ at the following address:

Pima County Department of Environmental Quality
33 N. Stone Avenue, Suite 700
Tucson, AZ 85701-1429
Attn: Jackie Ronstadt

Or via email:

Air.Notices@pima.gov with Subject: NOV # 127-0021R

IV. STATEMENT OF CONSEQUENCES

Failure to achieve compliance or enter into a Consent Order will result in PDEQ initiating a unilateral enforcement action. Achieving compliance does not preclude PDEQ from seeking civil penalties. A unilateral enforcement action may result in a civil penalty. A civil penalty may be imposed for each violation for the entire non-compliance period.

PDEQ believes the alleged violations identified in the Notice of Violation (NOV) are significant and advises you they may be used to determine a pattern of non-compliance or used to determine civil penalties pursuant to A.R.S. § 49-513. As such, PDEQ believes that NOV violations are appealable agency actions as defined in A.R.S. § 49-471(4).

A person whose legal rights, duties or privileges were determined by an appealable agency action or who will be adversely affected by an appealable agency action and who exercised any right to comment on the action provided by law, rule or ordinance may appeal the action to the air pollution hearing board established pursuant to A.R.S. § 49-478.

V. ADMINISTRATIVE INFORMATION

OFFER TO MEET

PDEQ personnel are willing to schedule a meeting to discuss the NOV and corrective actions. If you would like to meet, please contact me at (520) 724-7400. Before meeting, please submit the following:

- An agenda that specifies the objectives you wish to discuss.
- The names and affiliations of the participants that will be accompanying you.

COMPLIANCE ASSISTANCE

PDEQ personnel are also willing to help you achieve and maintain compliance. If you need assistance complying with the regulations, please contact our department at (520) 724-7400.

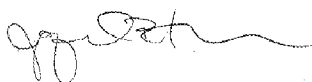
NOTICE OF NON-DISCRIMINATION

The Pima County Department of Environmental Quality does not discriminate on the basis of race, color, national origin, sex, disability religion, or age in its programs or activities in accordance with applicable laws and regulations. Further, any person who is in need of special services (e.g., written material in large type, signer for the hearing impaired, or for free assistance in Spanish), please contact PDEQ's Environmental Justice Liaison, Jessica Surridge, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, Phone (520) 724-7331, email jessica.surridge@pima.gov.

AVISO DE NO DISCRIMINACIÓN

El Departamento del Condado de Pima de Calidad Ambiental no discrimina en base de la raza, el color, el origen nacional, el sexo, la religión, discapacidad, o la edad en sus programas o actividades de acuerdo con leyes y regulaciones aplicables. Además, cualquier persona que esté necesitando los servicios especiales (e.g., material escrito en letra grande, intérpretes de lenguaje con señas, o para obtener asistencia gratuita en español), por favor contacte Jessica Surridge la Enlace de Justicia Ambiental del Departamento Calidad Ambiental del Condado de Pima, 33 N. Stone Avenue, Suite 700, Tucson, Arizona, 85701, teléfono (520) 724-7331, email jessica.surridge@pima.gov.

Sincerely,



Jackie Ronstadt
Air Compliance Manager

cc: Gary Kippur, President, Tucson Iron and Metal gary@tucsoniron.net
PDEQ File #: 127-0021R